

REMARKS

Claims 1 and 6 were objected to for minor informalities, and appropriate correction has been made in this amendment and response.

Claims 1 and 9 were rejected under 35 U.S.C. 102(b) as being unpatentable by US Patent No. 5,179,799 to Hillestad. Claims 2-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hillestad. Claims 10 and 11 were rejected under 35 U.S.C. 103 as being unpatentable over Hillestad in view of US Patent No. 903,986 to Klahn et al.

In response, Applicant has amended claim 1 to reflect that the present invention has “a bend at the lowermost end of said at least one vertical support, said bend being below said indentation and having sufficient width to accommodate a foot, so that a user may apply pressure with a foot to insert said one support into the ground.” This was added to claims 1 and 9 to more specifically describe the bend’s location and placement, and to clearly distinguish the bend from Hillestad’s device. In fact, Hillestad’s device has no bend of sufficient width to accommodate a foot used to apply pressure to insert a support into the ground. Moreover, Hillestad’s device does not have a bend located at the right height vertically to comfortably place a foot, and successfully and easily dispose a support into the ground. Additionally, trying to place a foot on any bend in Hillestad’s device would very possibly result in damaging any plant held Hillestad’s device, as any bend is internal of Hillestad’s device.

Also in response, Applicant has amended claim 9 to reflect that the present invention has “an arc, disposed adjacent to said indentation; and a ridge on said at least one ring,

said ridge moving within said arc.” Applicant has further defined the present invention over Klahn et al. because Klahn et al. does not have a ridge moving with an arc.

Applicant hereby petitions for a two month extension of time beyond the shortened-three-month period for response. Please charge all fees due and owing to PTO Deposit Account 500356 in the name of Greenberg & Lieberman.

I hereby certify that this was mailed on 9/21/04 via US first class postage prepaid to Commissioner of Patents and Trademarks, PO Box 1450, Alexandria, VA 22313-1450.

The Examiner is encouraged to call the Attorney of Record, Michael Greenberg, at 301-588-8393 should this not result in an allowance.

Respectfully,

Michael L. Greenberg, Esq.

Reg. No. 47,312